

REMARKS

Claims 1-9, 15-18 and 41 stand rejected in the non-final Office Action dated February 19, 2009. Claims 1-4, 15, and 16 are currently cancelled. Claim 9 has been amended to correct typographical errors and to clarify antecedent basis. The amendment to claim 9 is not intended to change the scope of the claims. Claim 7 has been once amended with respect to the issued patent (U.S. Patent No. 6,314,717). The amendment to claim 7 presented herein was previously presented in the prior Response dated July 22, 2008, and is supported in the disclosure of the issued patent (U.S. Patent No. 6,314,717), for example, at least in the drawings at FIGS. 16A-16D, FIG. 17 and in the specification at column 11, line 50 through column 12, line 33. Claim 41 is newly added with respect to the issued patent (U.S. Patent No. 6,314,717). New claim 41 presented herein was presented in the present reissue application dated November 13, 2003. Reconsideration and favorable action are respectfully requested, in view of the remarks below.

Claim Rejection – 35 U.S.C. § 103

Claims 1-4, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,697,908 issued to Offner (“*Offner*”) in view of U.S. Patent No. 5,285,123 issued to Kataoka et al. (“*Kataoka*”) and Russian reference 347441 (“*347441*”). The rejection is respectfully traversed. However, in order to move prosecution forward, claims 1-4, 15 and 16 are currently canceled. Accordingly, it is respectfully requested that the rejections be withdrawn.

Claim Objections

Claim 41 is objected to as not complying with 37 CFR 1.173(e). In the present response, Claim 41 is underlined in its entirety to address the objection. Accordingly, it is respectfully requested that the objection be withdrawn.

Claims 1-9, 15-18 and 41 are rejected under 35 U.S.C. § 251 as being based upon a defective reissue declaration. The M.P.E.P. explains that “[a] supplemental oath/declaration need not be submitted with each amendment and additional correction. Rather, it is suggested that the reissue applicant wait until the case is in condition for allowance, and then submit a

cumulative supplemental reissue oath/declaration pursuant to 37 CFR 1.175(b)(1).” M.P.E.P. 1444 II (emphasis in original). In accordance with the procedure suggested by the M.P.E.P., a cumulative supplemental reissue declaration will be pursued, if necessary, when the Examiner has indicated that the present case is in condition for allowance. Accordingly, it is requested that the Examiner consider the present Response and issue an Office Action indicating that the case is in condition for allowance.

CONCLUSION

Any circumstance in which the Applicants have (a) addressed certain comments of the examiner does not mean that the Applicants concede other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the Applicants concede any of the examiner's positions with respect to that claim or other claims.

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned agent to schedule a telephone conference.

No additional fees are believed due at this time. However, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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